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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/02/2003

Neal Brady

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04/15/2008

BRINKS HOFER GILSON & LIONE / CME

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EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,851	Applicant(s) BRADY ET AL.	
	Examiner Lalita M. Hamilton	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5,7-17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) 7-17 and 21-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,5,19,20 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01082007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

On October 31, 2007, the Examiner conducted a telephonic interview with James Katz and Joseph Flerlage. The Applicant discussed the invention. The Examiner presented the Applicant with an Election/Restriction with the following groups:

- I. Claims 7-17 and 21-23, drawn to data sets, classified in 705/36r.
- II. Claims 24-26, drawn to method of displaying best quote, classified in 705/36r.
- III. Claims 2, 5, 19-20, and 27-30, drawn to a method of deriving a quote, classified in 705/36r.

The Applicant elected group III, claims 2, 5, 19-20, and 27-30, without traverse.

Claims 7-17 and 21-26 are withdrawn from further consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 5, and 27, and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Mulinder (7,340,430).

Mulinder discloses a method for real-time trading comprising the subset comprises at least one combination of at least two of the plurality of products, wherein

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the let least one combination product comprises a product having a plurality of legs, the method further comprising generating at least one indicative quote for the at least one combination in response to alt least one theoretical price for the plurality of legs (col.6, line 38 to col.8, line 9 and col.8, line 50 to col.9, line 30); quote data includes at least one spread parameter provided by the at least one market maker (col.6, line 38 to col.8, line 9 and col.8, line 50 to col.9, line 30); minimizing communications bandwidth among parties trading derivatives, receiving via a network, market data, the market data representative of a state of a market for a plurality of products, receiving via the network, quote data from at least one market maker, the quote data operative to facilitate derivation of at least one quote for at least a subset of the plurality of products, generating a plurality of quotes for the subset of the plurality of products based on the market data and the quote data, and transmitting the plurality of quotes to a subscriber via the network, and facilitating the subscriber to generate a request for quote for at least one product oft/lie subset of the plurality of products based on the plurality of quotes and transmit the request for quote to all of the at least one market maker via the network, each of the at least one market maker being responsive thereto to generate another quote in response to the request for quote and transmit the other quote back to the subscriber via the network wherein the subscriber may generate an order based on the other quote (col.6, line 38 to col.8, line 9 and col.8, line 50 to col.9, line 30); receiving other quote data from another of the at least one market maker, the other quote data being operative to facilitate derivation of at least one quote for at least a subset of the plurality of products and generating another plurality of quotes for the

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subset of the plurality of products based on the market data and the other quote data, and transmitting the other plurality of quotes to a subscriber via the network, and wherein the quote data may be different than the other quote data (col.6, line 38 to col.8, line 9 and col.8, line 50 to col.9, line 30); and receiving updated quote data from the at least one market maker, the plurality of quotes being generated based the market data and the updated quote data (col.6, line 38 to col.8, line 9 and col.8, line 50 to col.9, line 30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 19-20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullinder in view of Silverman (6,625,583).

Mullinder discloses the invention substantially as claimed; however, Mullinder does not disclose wherein the quote data comprises at least bid and ask non-

binding prices for the plurality of products, comprises analyzing the quote data to eliminate crossed quotes by sorting the bid non-binding prices into descending order and the ask-non-binding orders into ascending order, determining if a cross condition exists in the quote data set, and disregarding crossed quotes based on said determining, and wherein the generating further comprises generating the plurality of quotes that are non-crossed; searching an ordered list of bid prices and ask prices for a first instance of non-crossed quotes; or the quote data comprises a table having quotes for at least each of the subset of the plurality of products and from which the plurality of quotes may be extracted. Silverman discloses a trading system interface comprising wherein the quote data comprises at least bid and ask non-binding prices for the plurality of products, comprises analyzing the quote data to eliminate crossed quotes by sorting the bid non-binding prices into descending order and the ask-non-binding orders into ascending order, determining if a cross condition exists in the quote data set, and disregarding crossed quotes based on said determining, and wherein the generating further comprises generating the plurality of quotes that are non-crossed (col.3, lines 15-40; col.4, line 45 to col.5, line 5; and col.7, line 65 to col.8, line 23—the system may be programmed according the specification of the users); searching an ordered list of bid prices and ask prices for a first instance of non-crossed quotes (col.3, lines 15-40; col.4, line 45 to col.5, line 5; and col.7, line 65 to col.8, line 23—the system may be programmed according the specification of the users); and the quote data comprises a table having quotes

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for at least each of the subset of the plurality of products and from which the plurality of quotes may be extracted (col.3, lines 15-40; col.4, line 45 to col.5, line 5; and col.7, line 65 to col.8, line 23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Silverman within Mullinder for the motivation of allowing the user to program execute any trade desired.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/
Primary Examiner, Art Unit 3691